

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRUCE X. COOPER,

Plaintiff,

v.

JOHN WETZEL, *et al.*,

Defendants.

No. 4:21-CV-01793

(Chief Judge Brann)

ORDER

AND NOW, this 28th day of April 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), Doc. 4, is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Cooper's Eighth Amendment conditions-of-confinement claim under 42 U.S.C. § 1983 against defendant Erin Brown is **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.
 - b. Cooper's state-law negligence claims against defendants John Wetzel and Kevin Ransom are **DISMISSED** with prejudice as they are barred by state statutory sovereign immunity.
 - c. Defendants' motion to dismiss is **DENIED** in all other respects.
2. This case will proceed on Cooper's Section 1983 Eighth Amendment conditions-of-confinement claim against defendants Wetzel and Ransom only.

3. The Clerk of Court is directed to terminate defendant Erin Brown.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge